

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD NUNEZ,

No. 2:16-cv-0084-EFB P

Plaintiff,

v.

ORDER

PELICAN BAY STATE PRISON,

Defendant.

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983.¹ He asserts a claim arising out of events that occurred at Pelican Bay State Prison in Crescent City, California.

The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in this action, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1331(b).

¹ He has filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

In this case, the defendant is located in and the claim arose in Del Norte County. Because Del Norte County lies within the venue of the Northern District of California, venue properly lies in that district and not this one. *See* 28 U.S.C. § 1391(b); 28 U.S.C. § 84(a).

4 Accordingly, IT IS HEREBY ORDERED that this case is transferred to the United States
5 District Court for the Northern District of California. *See* 28 U.S.C. § 1406(a).

6 || Dated: January 19, 2016.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE